



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2400338
Applicant Name: Anne Van Dyne for MLK Properties, LLC
Address of Proposal: 7722 Martin Luther King Junior Way South

SUMMARY OF PROPOSED ACTION

Master Use Permit for the construction of a one structure containing 3 townhouse units with surface parking for two vehicles and parking space for one vehicle within the structure. Previously permitted at the development site under a separate building permit (#740800) were two townhouse structures, containing a total of five units (one 2-unit townhouse and one 3-unit townhouse) with accessory surface and enclosed parking. Also, the project includes future construction of a 2-unit townhouse structure with accessory parking within the structure reviewed under project number 2403324. A total of 10 units is proposed at the development site.

The following approval is required:

SEPA – Environmental Determination Chapter 23.05 Seattle Municipal Code

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

* Project revised to include the additional two townhouse units on June 4, 2004

BACKGROUND DATA

Site & Area Description

The subject site is located at the northeast corner of the intersection of Martin Luther King Junior Way South and South Chicago Street, in the Rainier Valley neighborhood of South Seattle. The existing site encompasses a land area of approximately 13,943.3 square feet, located in a Multifamily Lowrise Two zone (L-2) with a minimum density limit of one unit per 1,200 square feet of lot area. The site is rectangular in shape, running lengthwise perpendicular to the Martin Luther King Junior Way South right-of-way. The subject site is essentially flat with construction activity occurring at the development site. The site is currently under development with the construction (permit #740800) of two townhouse structures containing a total of five units on the east half of the subject lot (one structure containing two units and the second containing three units). The remaining vacant land is being used as a staging area for construction activity in preparation for future development of additional units. The proposed three-story townhouse structures will gain vehicle access to the development site through a shared driveway easement from the adjoining property to the north, and from South Chicago Street. The shared driveway easement provides access to four of the five newly constructed townhouse structures. A public transit bus stop (Metro Bus Route #48) servicing this south Seattle community is located just south of South Bozeman Street. Sound Transit recently acquired a narrow strip of land along the length of the west property line to accommodate the alignment of the light rail transit line.

The surrounding structures along the South Chicago Street block front are for the most part modest one to two-story residential. Along Martin Luther King Junior Way South, residential and commercial structures are located along this active primary arterial street. Mature street trees in the planting strip create a sense of calm along the streetscape that is otherwise dominated by high vehicle activity. Currently under development across Martin Luther King Junior Way South to the west is the massive Holly Park Phase III Development, owned by Seattle Housing Authority (SHA). Zoning in the vicinity is a mix of Neighborhood Commercial, Multifamily Lowrise and Single family zoning. Immediately to the west across the centerline of Martin Luther King Junior Way South, a narrow swath of Residential Commercial (RC) overlays the edge of a moderately sized L – 4 zone. To the north across the centerline of South Holden Street is the Neighborhood Commercial Two with a forty foot height limit (NC2-40) zone. Outside the Multifamily Lowrise Two (L2) to the east and south is a large tract Single family 5000 (SF 5000) zone. Modest residential structures dominate the area within this dense residential zone. The Holly Park Phase III Development is anticipated to have a positive social and economic impact upon the surrounding area.

Proposal

The subject property is currently under development with the construction of five townhouse structures (under permit #740800). An additional three townhouse units contained within one structure, which is the subject of this project, will increase the total unit count to eight (8) units. Additionally, two townhouse units contained within one structure is currently under review under a separate project number (#2303324). A total of ten (10) townhouse units are proposed for the development site. The proposed townhouse structures are designed to be 3-story

structures with a north south orientation fronting South Chicago Street. Vehicular access will be provided through a shared driveway access easement extending to Martin Luther King Junior Way and along South Chicago Street. Parking for each unit will be provided either within the residential units or on a parking pad adjacent to structures.

Public Comment:

Date of Notice of Application:	June 17, 2004
Date End of Comment Period:	June 30, 2004
# Letters	0
Issues:	No comment letters were received for this project.

* Initially, notification of the project to the public commenced on March 25, 2004 and ended on April 07, 2004. The re-notification language more accurately captured the full extent of the development proposal which included the additional two townhouse units.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated February 13, 2004) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Transportation Department, and no further SEPA conditioning would be needed.

Construction of the project is proposed to last for several months. Parking utilization along streets in the vicinity is moderate and the demand for parking by construction workers during construction is not anticipated to reduce the supply of parking in the vicinity. Parking demand for construction personal can be accommodated at the development site and any spillover can be managed within the South Chicago Street right-of-way. Therefore, no further mitigation will be required.

The development site is located adjacent to a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the proximity of these structures to the subject site. The proposal is, therefore, conditioned to limit construction activity to non-holiday weekday hours between 7:30 A.M. and 6:00 P.M. After the structure is enclosed, interior construction may be done in compliance with the noise ordinance. The department may modify this condition to allow work of an emergency nature or which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of multifamily structures and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

Height, Bulk, and Scale

The design of each of the four buildings (containing a total of ten units) is similar in proportion and materials, but reduces the appearance of repetition through use of color schemes and modulation. The four buildings will be placed side by side with a minimum separation of ten (10) feet between each structure to further reduce the appearance of bulk along the South Chicago Street frontage. The impact of bulk is further lessened across this 35 foot South Chicago Street right-of-way where the existing older housing stock is smaller in scale. To the north, the newly constructed townhouse structures containing a total of four units, across the driveway easement, are similar in bulk to the townhouse units at the development site and pose no adverse impacts.

As viewed from the Martin Luther King Junior Way South orientation, the townhouse structures will have a minimal impact upon pedestrian activity along the sidewalk. The first 3-story townhouse structure is approximately 10 feet from the Martin Luther King Junior Way South right-of-way. The area between the structure's façade and right-of-way will be landscaped with trees, shrubs, and forms of vegetation to soften the property's edge. Each proceeding structure to the east modulates away and will not have an impact on a relatively flat development site. Each of the buildings will have a pitched roof, double-hung windows with trim, horizontal banding distinguishing and emphasizing the top story from the lower stories, clearly identifiable covered entrances, and modulation. These design elements break up the appearance of bulk of the facades and will mitigate the height, bulk, and scale impacts of the structures. Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Traffic and Transportation

The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that townhouse units generate approximately 6.1 vehicle trips per day. Based on the estimates in the Trip Generation Manual the 10 townhouse units would generate approximately 61 vehicle trips per day. The availability and proximity of transit to downtown and on Interstate 5 to the south end employment centers will make it likely that there will be fewer vehicle trips than from developments in outlying areas on which the ITE generation equation is based. The site has ready access to the Martin Luther King Jr. Way South and will have access to a newly improved South Chicago Street. The amount of traffic expected to be generated by the proposed project is within the capacity of the streets in the immediate area, so no SEPA mitigation of traffic impacts is warranted.

Parking

The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity appears to be below capacity and on-street parking can be found during the daytime or evening hours. Ten off-street parking spaces will be provided within units and outside units on surface parking pads for a parking ratio

of 1 space per unit which meets code requirements and is expected to accommodate parking demand generated by the 10 dwelling units most of the day. Additionally, some driveways leading to conforming parking spaces may be used to accommodate spill-over parking. Parking is prohibited along this stretch of Martin Luther King Junior Way South. South Chicago Street is expected to handle the small amount of spill-over parking. On-street parking capacity in the surrounding area is sufficient to meet any additional spill-over parking which may exist. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

SEPA CONDITIONS

The owner(s) and/or responsible party(s) shall:

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

1. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:30 AM and 6:00 PM and Saturdays between 9:00 AM and 6:00 PM. This condition may be modified by the Department to permit work of an emergency nature of to allow low noise exterior work (e.g., installation of landscaping) after approval from the Land Use Planner. After the structures are enclosed, interior work may proceed at any time in compliance with the Noise Ordinance.

Signature: _____ (signature on file) Date: July 12, 2004
Bradley Wilburn, Land Use Planner
Department of Planning and Development
Land Use Services

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